PLEADING—FOREIGN LAW—DEMURRER.—A party relying on the law of a foreign jurisdiction, alleged the foreign law in the form of a general statement of such law without statement of or reference to the statutes or decisions relied upon. *Held,* on demurrer, this pleading of the foreign law was valid. *Hanna* v. *Lichtenhein* (N. Y. 1919) 122 N. E. 625, reversing 182 App. Div. 94, 169 N. Y. Supp. 589.

Laws of foreign jurisdictions are facts which must be alleged and proved as such and of which the court will not take judicial notice as to their language or interpretation, *Southworth* v. *Morgan* (1912) 205 N. Y. 293, 98 N. E. 490; *Columbian Bldg. Ass'n* v. *Rice* (1904) 68 S. C. 236, 47 S. E. 63, except where authorized to do so by statute. *Wilson* v. *Phoenix Powder Mfg. Co.* (1895) 40 W. Va. 413, 21 S. E. 1035. Where a foreign statute is relied upon, in some jurisdictions it is required that the statute itself be set forth in the pleadings, *Lowry* v. *Moore* (1897) 16 Wash. 476, 48 Pac. 238, at least in substance, *Bank of Commerce* v. *Fuqua* (1891) 11 Mont. 285, 28 Pac. 291, and any allegation of its meaning or effect is a mere opinion of the pleader. See *Lowry* v. *Moore, supra.* In New York, however, it seems that the existence of the rule of law relied upon is the fact to be pleaded, and the statutes of a foreign state and the decisions of its courts are the evidence of the existence of that rule. See *Congregational Unitarian Soc.* v. *Hale* (1898) 59 App. Div. 396, 51 N. Y. Supp. 704; *Angell* v. *Van Schaik* (1892) 132 N. Y. 187, 30 N. E. 395. Thus it is sufficient pleading to aver the effect of a foreign statute together with a citation to the statute, *Swing* v. *Wanamaker* (1910) 139 App. Div. 627, 124 N. Y. Supp. 231; *Caras* v. *Thalmann* (1910) 138 App. Div. 297, 123 N. Y. Supp. 97; *cf. Showalter* v. *Richert* (1902) 64 Kan. 82, 67 Pac. 454, although a citation to a statute is insufficient alone; *Howlan* v. *New York & N. J. Tel. Co.* (1909) 131 App. Div. 448, 115 N. Y. Supp. 316; to state that a person has a certain capacity by the laws of a foreign jurisdiction; *Schluter* v. *Bowery Savings Bank* (1889) 117 N. Y. 131, 22 N. E. 572; *Congregational Unitarian Soc.* v. *Hale, supra; Gleitsmann* v. *Gleitsmann* (1901) 60 App. Div. 371, 70 N. Y. Supp. 1007; or to state as a general proposition the rule of law which a foreign jurisdiction maintains. *Angell* v. *Van Schaik, supra; Sultan of Turkey* v. *Tiryakian* (1914) 162 App. Div. 613, 147 N. Y. Supp. 978. Where a pleading sets forth the statutes and decisions relied upon, and the rule of law is pleaded as derived therefrom, the court may judge on demurrer whether that rule is properly deduced from the authority set forth, *Knickerbocker Trust Co.* v. *Iselan* (1906) 185 N. Y. 54, 77 N. E. 877, but this seems to be limited to the case where the rule pleaded is erroneous on its face. The statement of the foreign law must be definite and specific, as is always required of facts pleaded, *Sultan of Turkey* v. *Tiryakian, supra; Colcord* v. *Banco de Tamaulipas* (1918) 181 App. Div. 295, 168 N. Y. Supp. 710, but if it is not, it seems that the proper remedy is a motion to make the allegation more definite and certain, and not to demur thereto. See *Schluter* v. *Bowery Savings Bank, supra; Gleitsmann* v. *Gleitsmann, supra.* The decision in the instant case is in accord with the New York rule.